

REMARKS

In response to the Final Office Action dated June 19, 2006, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. A Request for Continued Examination is being filed with this Amendment. Applicants respectfully submit that the claims as presented are in condition for allowance.

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 3, 10-15, 18-40, 42, 44-47, and 51-75 were pending in the application, of which Claims 15, 26, 40, 42, 44, 51, and 62 are independent. In the Final Office Action dated June 19, 2006, Claims 3, 10-15, 18-40, 42, 44-47, and 51-68 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 3, 10-15, 18-40, 42, 44-47, and 51-75 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. Interview Summary

Applicant thanks Examiner Ouellette for the courtesy of an Interview on September 6, 2006. No agreement was reach regarding patentability.

II. Rejection of Claims 3, 10-15, 18-40, 42, 44-47, 51-66, and 69-75 Under 35 U.S.C. § 103(a)

In the Final Office Action dated June 19, 2006, the Examiner rejected Claims 3, 10-15, 18-40, 42, 44-47, 51-66, and 69-75 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Published Patent Application No. 2002/0002552 ("*Schultz*") in

view of “CellPoint and Webraska Join Forces” (“*CellPoint*”) in view of U.S. Published Patent Application No. 2002/0087408 (“*Burnett*”). Claims 15, 26, 40, 42, 44, 51, and 62 have been amended, and Applicant respectfully submits that the amendments overcome this rejection and add no new matter.

Amended Claim 15 is patentably distinguishable over the cited art for at least the reason that it recites, for example, that the “wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user’s location, advertiser entries in the same ZIP code as the user’s location, advertiser entries in the same area code as the user’s location, and advertiser entries in the same local access and transport area (LATA) as the user’s location.” Amended Claims 26, 40, 42, 44, 51, and 62 each includes a similar recitation. Support for the amendments can be found in the specification at least in paragraph [0021].

Consistent with embodiments of the claimed invention, a user can look up advertisers in a yellow pages category. (See specification, paragraph [0021], line 1.) A yellow pages service can present (e.g., list, announce, etc.) advertisers in order of distance from the user location (e.g., presenting the closest advertiser first, the next closest advertiser second, and so on). (See specification, paragraph [0021], lines 1-4.) The yellow-pages service can present the ten (10) closest advertisers, the twenty-five (25) closest advertisers, each advertiser in the same telephone exchange area as the user, each advertiser in the same area code (or area codes when there are one or more overlay area codes) as the user, each advertiser in the

same local access and transport area ("LATA") as the user, and so on. (See specification, paragraph [0021], lines 4-9.)

In contrast, *Schultz* at least does not disclose advertiser entries presented in the following order: i) advertiser entries in the same telephone exchange as the user's location; ii) advertiser entries in the same ZIP code as the user's location; iii) advertiser entries in the same area code as the user's location; and iv) advertiser entries in the same LATA as the user's location. For example, *Schultz* merely discloses that a user submits a search request via a computer network to a search engine, via a kiosk, a voice recognition telephony, a touch screen, a wireless device, or any other technology that will act as an interface between a user and a computer network. (See paragraph [0040].) The search request of *Schultz* includes location data, an information query, and geographic criteria. (See paragraph [0040].) The location data of *Schultz* provides information on the user's geographic location. (See paragraph [0040].) However, *Schultz's* location data can be any geographic reference location chosen by the user. (See paragraph [0040].) In addition, *Schultz's* location data may be based on a unified geocoding system, but the location data can be any type of geographic location, such as a street, area code, zip code, city, county, state, longitudinal and latitudinal coordinates, geometric corridor, state planar coordinates, or any unified geocoding system. (See paragraph [0040].) In *Schultz*, while various geographic location data are disclosed, no presentation order is disclosed. Accordingly, *Schultz* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser

entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location because *Schultz* is silent regarding presentation order.

Moreover, *CellPoint* does not overcome *Schultz*'s deficiencies. *CellPoint* merely discloses live navigation services based on GSM positioning of cellular telephones. Like *Schultz*, *CellPoint* does not disclose a presentation order at all, much less presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location because, like *Schultz*, *CellPoint* is silent regarding presentation order.

Furthermore, *Burnett* does not overcome *Schultz*'s and *CellPoint*'s deficiencies. *Burnett* merely discloses that a consumer who has selected a specific product, or has prepared a short list of acceptable alternatives, will generally want to know where they can buy them and how much they will cost. (See paragraph [0025].) The consumer, according to *Burnett*, will want to know the availability and pricing of the desired product or service, preferably from several retailers so that comparisons can be made. (See paragraph [0025].) In selecting a preferred retailer, the consumer, according to *Burnett*, may want to consider the retailer's location (physical or online address), the retailer's operating hours (if relevant), and available payment options. (See paragraph [0025].) According to *Burnett*, the traditional source of this information is business directories, such as the Yellow Pages. (See paragraph [0025].) On the Internet the sources of retailer information include business directories, reseller locators and bots or agents as disclosed by *Burnett*. (See paragraph [0025].) Consequently, like *Schultz* and

CellPoint, *Burnett* does not disclose a presentation order at all, rather *Burnett* merely discloses that in selecting a preferred retailer, the consumer may want to consider the retailer's location. Accordingly, *Burnett* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Combining *Schultz* and *CellPoint* with *Burnett* would not have led to the claimed invention because *Schultz*, *CellPoint*, and *Burnett*, either individually or in any reasonable combination, at least do not disclose "wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same local access and transport area (LATA) as the user's location," as recited by amended Claim 15. Amended Claims 26, 40, 42, 44, 51, and 62 each includes a similar recitation. Accordingly, independent Claims 15, 26, 40, 42, 44, 51, and 62 each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of Claims 15, 26, 40, 42, 44, 51, and 62.

Dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, 63-66, and 69-75 are also allowable at least for the reasons described above regarding independent Claims 15, 26, 40, 42, 44, 51, and 62, and by virtue of their respective dependencies upon

independent Claims 15, 26, 40, 42, 44, 51, and 62. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 3, 10-14, 18-25, 27-39, 45-47, 52-61, 63-66, and 69-75.

III. Rejection of Claims 67 and 68 Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected Claims 67 and 68 under 35 U.S.C. § 103(a) as being unpatentable over *Schultz* in view of *CellPoint* in view of *Burnett* further in view of U.S. Published Patent Application No. 2002/200688585 ("*Chan*"). Dependent Claim 67 is patentably distinguishable over the cited art for at least for the reason that it includes, due to its dependency on amended independent Claim 15, "wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same local access and transport area (LATA) as the user's location." Dependent Claim 68 is patentably distinguishable over the cited art for at least for the reason that it includes a similar recitation due to its dependency on amended independent Claim 51.

As stated above, *Schultz* at least does not disclose advertiser entries presented in the following order: i) advertiser entries in the same telephone exchange as the user's location; ii) advertiser entries in the same ZIP code as the user's location; iii) advertiser entries in the same area code as the user's location; and iv) advertiser entries in the same LATA as the user's location. For example, *Schultz* merely discloses that a user

submits a search request via a computer network to a search engine, via a kiosk, a voice recognition telephony, a touch screen, a wireless device, or any other technology that will act as an interface between a user and a computer network. (See paragraph [0040].) The search request of *Schultz* includes location data, an information query, and geographic criteria. (See paragraph [0040].) The location data of *Schultz* provides information on the user's geographic location. (See paragraph [0040].) However, *Schultz's* location data can be any geographic reference location chosen by the user. (See paragraph [0040].) In addition, *Schultz's* location data may be based on a unified geocoding system, but the location data can be any type of geographic location, such as a street, area code, zip code, city, county, state, longitudinal and latitudinal coordinates, geometric corridor, state planar coordinates, or any unified geocoding system. (See paragraph [0040].) In *Schultz*, while various geographic location data are disclosed, no presentation order is disclosed. Accordingly, *Schultz* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location because *Schultz* is silent regarding presentation order.

As also stated above, *CellPoint* does not overcome *Schultz's* deficiencies. *CellPoint* merely discloses live navigation services based on GSM positioning of cellular telephones. Like *Schultz*, *CellPoint* does not disclose a presentation order at all, much less presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same

LATA as the user's location because, like *Schultz*, *CellPoint* is silent regarding presentation order.

Furthermore, as stated above, *Burnett* does not overcome *Schultz's* and *CellPoint's* deficiencies. *Burnett* merely discloses that a consumer who has selected a specific product, or has prepared a short list of acceptable alternatives, will generally want to know where they can buy them and how much they will cost. (See paragraph [0025].) The consumer, according to *Burnett*, will want to know the availability and pricing of the desired product or service, preferably from several retailers so that comparisons can be made. (See paragraph [0025].) In selecting a preferred retailer, the consumer, according to *Burnett*, may want to consider the retailer's location (physical or online address), the retailer's operating hours (if relevant), and available payment options. (See paragraph [0025].) According to *Burnett*, the traditional source of this information is business directories, such as the Yellow Pages. (See paragraph [0025].) On the Internet the sources of retailer information include business directories, reseller locators and bots or agents as disclosed by *Burnett*. (See paragraph [0025].) Consequently, like *Schultz* and *CellPoint*, *Burnett* does not disclose a presentation order at all, rather *Burnett* merely discloses that in selecting a preferred retailer, the consumer may want to consider the retailer's location. Accordingly, *Burnett* does not disclose presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Furthermore, *Chan* does not overcome *Schultz's*, *CellPoint's*, and *Burnett's* deficiencies. *Chan* merely discloses an intelligent mobile information system. For example, *Chan* discloses automatically searching required local information for an information user. (See Abstract.) *Chan* can use the information user's personal profile, position history, and query history to generate a next set of information user's required local information. (See Abstract.) An information search list in *Chan* can also be generated based on the information user profile. (See Abstract.) According to *Chan*, the disclosed local information accessing system and method will be very useful if the information user is mobile and do not have enough time to search the web. (See Abstract.) Like *Schultz*, *CellPoint*, and *Burnett*, *Chan* at least does not disclose a presentation order at all, much less presenting in the order of advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same LATA as the user's location.

Combining *Schultz*, *CellPoint*, *Burnett*, and *Chan* would not have led to the claimed invention because *Schultz*, *CellPoint*, *Burnett*, and *Chan*, either individually or in combination, at least do not disclose "wherein the one or more advertiser entries from the second subset of the plurality of advertiser are configured to be presented in the following order: advertiser entries in the same telephone exchange as the user's location, advertiser entries in the same ZIP code as the user's location, advertiser entries in the same area code as the user's location, and advertiser entries in the same local access and transport area (LATA) as the user's location", as included in dependent Claim 67. Dependent Claim 68 includes a similar recitation. Accordingly,

dependent Claims 67 and 68 each patentably distinguishes the present invention over the cited art, and Applicant respectfully requests withdrawal of this rejection of dependent Claims 67 and 68.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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